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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,345	03/19/2004	James McMullan	MUT-102-A	7013
7590 Christopher A. Mitchell YOUNG & BASILE, P.C. Suite 624 3001 West Big Beaver Road Troy, MI 48084-3107			EXAMINER CHIN, PAUL T	
			ART UNIT 3652	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/804,345

Applicant(s)

MCMULLAN, JAMES

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- \* Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's amendment filed January 16, 2007, the arguments have been fully considered. With respect to new claims 17-21, they are persuasive in light of new claims. Therefore, the rejection has been withdrawn. With respect to new claims 13-16, they are not persuasive. **THIS ACTION IS MADE FINAL.**

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (6,739,637) (see PTO-892).

Hsu (6,739,637) discloses a hand-held device for gripping objects positioned beyond arm's length, comprising, at least a first pair of jaws (42,42) movable relative to each other between at least an unclamped and at least a first clamped position thereof; a handle (10) spaced apart from said at least first pair of jaws by a central portion, said handle including a moveable trigger (11) connected to said at least first pair of jaws, whereby movement of said trigger is operative to selectively position said at least first pair of jaws between the unclamped position and a fully closed position thereof, and a locking mechanism (Figs. 2 and 5) operative to selectively lock said at least first pair of

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jaws in the at least first clamped position thereof, said locking mechanism comprising, (a) a lock lever (12) including a cam surface, the lock lever selectively moveable between a first position, wherein the lock lever is engaged with the trigger to limit movement thereof, and a second position (Fig. 4), wherein the lock lever is disengaged from the trigger to permit unlimited movement thereof, and wherein further the lock lever is biased to the first position thereof; and (b) a manually operable switch (16,17) having a cam following portion which, by selective movement of the switch, is positionable along the cam surface of the lock lever to effect movement of the lock lever between the first and second positions thereof.

Re claims 14 and 15, figures 4 and 5 show a resilient member having a rod (7) and a biased spring (45).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (6,739,637).

Hsu (6,739,637), as presented above, does not show that the rod (7) and the spring (45) are one component. However, it would have been obvious to those skilled in the art to provide one component of the rod and the spring on the Hsu's device (6,739,637) to provide easier to assemble.

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6. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (6,739,637) in view of Voellmer (5,178,431).

Hsu (6,739,637) discloses a hand-held device for gripping objects positioned beyond arm's length, comprising, at least a first pair of jaws (42,42) movable relative to each other between at least an unclamped and at least a first clamped position thereof; a handle (10) spaced apart from said at least first pair of jaws by a central portion, said handle including a moveable trigger (11) connected to said at least first pair of jaws, whereby movement of said trigger is operative to selectively position said at least first pair of jaws between the unclamped position and a fully closed position thereof, and a locking mechanism (Figs. 2 and 5) operative to selectively lock said at least first pair of jaws in the at least first clamped position thereof, said locking mechanism comprising, (a) a lock lever (12) including a cam surface, the lock lever selectively moveable between a first position, wherein the lock lever is engaged with the trigger to limit movement thereof, and a second position (Fig. 4), wherein the lock lever is disengaged from the trigger to permit unlimited movement thereof. Hsu (6,739,637) does not show a gripping portion freely removable and an end effector having a bore to receive the gripping portion. However, Voellmer (5,178,431) teaches a gripping portion (17) (Fig. 3) having a stem (26), a radially extending tabs (70) (Fig. 5) to be freely removable and an end effector (11) having a bore and a slot (73) (Fig. 6) to receive the gripping portion. Accordingly, it would have been obvious to those skilled in the art to provide a gripping portion and an end effector to replace the jaws of Hsu (6,739,637) as taught by Voellmer (5,178,431) to conveniently attach or de-attach the gripping portion from each jaw.

***Response to Arguments***

7. Applicant's amendment filed January 16, 2007, the arguments have been fully considered. With respect to new claims 17-21, they are persuasive in light of new claims. Therefore, the rejection has been withdrawn. With respect to new claims 13-16, they are not persuasive, but a new ground of rejections has been applied.

**Hsu (6,739,637)**

Applicant does not specifically point out as to why "Hsu (6,739,637) does not disclose the claims". With respect to claims 13-15, Hsu (6,739,637) still discloses a hand-held device for gripping objects positioned beyond arm's length, comprising, at least a first pair of jaws (42,42) movable relative to each other between at least an unclamped and at least a first clamped position thereof; a handle (10) spaced apart from said at least first pair of jaws by a central portion, said handle including a moveable trigger (11) connected to said at least first pair of jaws, whereby movement of said trigger is operative to selectively position said at least first pair of jaws between the unclamped position and a fully closed position thereof, and a locking mechanism (Figs. 2 and 5).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

  
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